HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

-

WRIT PETITION No. 26629 of 2005

-

Dated 12th June, 2006

Between:

D.Rafic Ahmed

… Petitioner.

And

The Mandal Revenue Officer

Velgode Mandal, Kurnool District

and another.

… Respondents.

-

-

ORDER:

The petitioner who claims to be the President of Golden Way Youth Association, Velgode, filed this writ petition aggrieved by orders dated 18.11.2005 passed by the Mandal Revenue Officer, Velgode in R.C.D. 615/2004.

The petitioner was appointed to implement the Mid-day meal programme to the children of MPE School (Urdu Boys) Velgode. However, it appears that the second respondent through its group leader lodged a complaint stating that the petitioner is not providing the meals to the children of the school as per the scheme and basing on the complaint dated 27.10.2005, the petitioner was issued show-cause notice dated 10.11.2005. The petitioner had offered his explanation to the show-cause notice on 11.11.2005, which was received by the office of the first respondent on 12.11.2005. But, however, impugned order is passed on 18.11.2005 directing the Head Master of the school, Velgode to take the balance rice and cash available as on 18.11.2005 and hand-over to the 2nd respondent, who lodged the complaint on 27.10.2005.

It is submitted by the learned counsel for the petitioner that the allegations levelled are false and baseless and the impugned order is passed only to accommodate the second respondent group in place of the petitioner without even considering the explanation submitted by the petitioner.

Though in the counter-affidavit filed, receipt of the explanation from the petitioner is admitted, but, however, on a perusal of the impugned order, it is found that there is no indication and reference to the explanation offered by the petitioner, which was received in the office of the respondent on 12.11.2005. Though the petitioner is appointed only as an agent for operating the scheme on behalf of the respondent, but, proceedings are initiated basing on the allegation that he has not supplied the meals to the children as per the scheme. Having issued notice, respondent ought to have considered the explanation filed by the petitioner. It is submitted by the learned Government Pleader that after passing of the impugned order, second respondent is operating by overseeing the supply of mid-day meals to the children since November, 2005.

As much as the impugned order is passed without considering the explanation filed by the petitioner, which is admittedly received by the respondents on 12.11.2005, I deem it appropriate to set aside the order dated 18.11.2005 and remit the matter for reconsideration by the first respondent-Mandal Revenue Officer. However, it is made clear that as it is stated that the second respondent is now operating the scheme, till final orders are passed status quo as on today shall continue.

Subject to the above direction, the writ petition is disposed of. No costs.

2006. **(R.SUBHASH REDDY, J.)**

VR